

REMARKS

Claims 4-6, 8, 10, 11, 14-16, 18, 20 and 53 remain pending in the application with the present amendments. In the Office Action, all claims were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,505,160 to Levy et al. ("Levy") in view of U.S. Patent No. 5,715,403 to Stefik ("Stefik"). For the reasons set forth below, applicants submit that the presently pending claims are fully distinguished from the combination of Levy and Stefik.

Unless every limitation in the claims is met by the teachings of the combination of references, the combination of references fails to show that the claims are *prima facie* obvious. It is respectfully submitted that the Office Action does not establish that the presently pending claims, given their broadest reasonable interpretation, are *prima facie* obvious over the cited references.

Claim 53 recites a content distribution system which includes a monitoring apparatus operable to issue authentication information including time identification information which indicates a time of issuing the authentication information. A distribution apparatus of the system is operable to attach the authentication information to one or more pieces of content and distribute the pieces of content with the authentication information. In addition, the monitoring apparatus is operable to determine whether the one or pieces of content distributed by the content distribution operation have been distributed with authorization of the owner of the one or more pieces of the content based on the time identification information distributed with the one or more pieces of the content. Claim 11 recites a method which contains similar recitations.

In the final Office Action it is alleged that Stefik, col. 29, lns. 1-42 teaches the element of claim 53 regarding "monitoring distribution of one or more pieces of content to

determine whether the one or more pieces of content have been distributed with the authorization of the owner of the one or more pieces of content, based on time identification information." However, this passage of *Stefik* merely describes a clock synchronization method "used by repositories to establish an agreed upon time base for the financial records of their mutual transactions." While *Stefik* describes the generation and exchange of "time stamp exchange messages," *Stefik* neither teaches nor suggests that such messages are used for authentication, or that they are attached to the one or pieces of the content being distributed via the content distribution method. Clearly, this passage in *Stefik* neither teaches nor suggests the use of such time stamp exchange messages for determining whether one or more pieces of content, to which they are attached when distributed, have been distributed with the authorization of the owner.

Applicants further disagree with the conclusions in the Office Action regarding the passage of *Stefik* at col. 27, lns. 15-31. That passage neither teaches nor suggests attaching time identification information as authentication information and transmitting the time identification with the one or more pieces of content to a receiver using the time identification information to determine, not by the receiver, but by a monitoring apparatus, whether the content was distributed with the authorization of the owner.

Moreover, the remaining claims of the application are believed to be further distinguished from the art cited in the Office Action for the reasons discussed in applicant's prior amendment dated February 10, 2006.

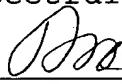
Finally, Applicants submit that the corrected drawings submitted on April 28, 2005 in form of Replacement Sheets fully comply with the requirement therefor in Item 11 of the Office Action Summary.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 2, 2006

Respectfully submitted,

By   
Daryl K. Neff  
Registration No.: 38,253  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant